



PATENT
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Guy Beardsley

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Guy Beardsley
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lee L. Rubin *et al.*

Art Unit: Not Yet Assigned

Serial No.: 09/355,004

Examiner: Not Yet Assigned

Filed: July 21, 1999

Customer No: 21559

Title: *In Vivo* Apoptosis Screening

BOX PCT

Assistant Commissioner of Patents
Washington, DC 20231

DECLARATION OF SUSAN M. MICHAUD

I, Susan M. Michaud, declare as follows:

I am an employee of the law firm of Clark & Elbing LLP, and an appointed attorney in the above-captioned patent application (see the enclosed Combined Declaration and Power of Attorney).

I first became aware of the abandonment of the application after May 30, 2000, after receipt by my office on May 30, 2000 of a Notification of Abandonment, which was mailed from the Patent Office on May 26, 2000.

Unknown to me, on March 1, 2000, the above-captioned patent application was

abandoned for failure of applicants to respond to a Notification of Missing Requirements that, according to the Notification of Abandonment, was mailed on September 1, 1999, within the time period set therein. Neither I nor any other employee of the law firm Clark & Elbing ever received the Notification of Missing Requirements from the Patent Office. From September 1, 1999 (and before) to the present, all mail sent from the Patent Office to any attorney or patent agent at Clark & Elbing is opened, date stamped, logged, and docketed centrally before it is sent to the attorney or patent agent. A review of Clark & Elbing's manual mail log and computerized docketing records from July 21, 1999 to the present indicates that the Notification of Missing Requirements was never received at Clark & Elbing. Also, a copy of the Notification of Missing Requirements was not sent to the undersigned upon telephonic request by the undersigned after receipt of the Notification of Abandonment.

Enclosed are what applicants believe to be the Missing Requirements for this case: a Combined Declaration and Power of Attorney in compliance with 37 C.F.R. § 1.497(a) and (b) and payment of the surcharge required by 37 C.F.R. § 1.497(e). Applicants thus request that the Notification of Abandonment in this case be withdrawn.

All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true; further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of

the application or any patents issued thereon.

Respectfully submitted,

Date: January 31, 2001

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50015.013001 Petition to Withdraw Abandonment Attorney's Declaration.wpd

